

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Timothy Lavar VanDerHorst,

Plaintiff,

vs.

Paul Egger,

Defendant.

C/A No. 0:10-1537-SB-PJG

ORDER

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff, who at the time he filed his Complaint was a pre-trial detainee at the Georgetown County Detention Center, alleges violations of his constitutional rights by the named defendant. The defendant filed a motion to dismiss on September 23, 2010. (ECF No. 29.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on September 24, 2010, advising the plaintiff of the importance of a motion to dismiss and of the need for him to file an adequate response.¹ (ECF No. 30.) The plaintiff was specifically advised that if he failed to respond adequately, the defendant's motion may be granted, thereby ending his case.

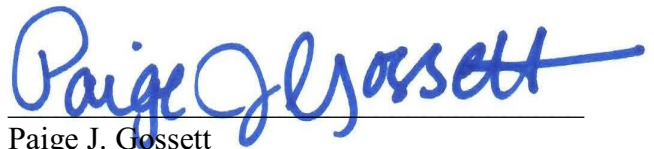
Notwithstanding the specific warning and instructions set forth in the court's Roseboro order, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

¹ The court notes that the mailing containing this order was returned to the Clerk of Court as undeliverable. (See ECF No. 32.)

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendant's motion to dismiss within seven (7) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

November 1, 2010
Columbia, South Carolina